IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(C).No. 24357 of 2006(Y)

PETITIONER:

M.ABDUL LATHIF,
S/O.MYTHEEN KUNJU, AGED 58 YEARS,
SANJEEV MANZIL, NORTH MYLAKKAD, KANNANALLOOR,
KOLLAM.

BY ADV. SRI.R.SATISH KUMAR

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY DISTRICT COLLECTOR,
KOLLAM.

2. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDHYUDHI BHAVAN, THIRUVANANTHAPURAM.

3. THE ADDL.DISTRICT MAGISGRATE,
KOLLAM.

4. THE ASST.EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD, KOTTIYAM.

5. SUSHAMMA,
SUSHAMMA BHAVAN, NORTH MYLAKKAD,
KANNANALLOOR P.O., KOLLAM.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB
GOVERNMENT PLEADER SMT. N.SUDHADEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 24357/2006 Y

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER DT. 28/09/2005 BY R3.

EXT.P2. COPY OF THE ROUGH SKETCH.

RESPONDENT'S EXHIBITS

EXT.R4A. COPY OF THE ROUGH SKETCH.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 24357 OF 2006-Y

JUDGMENT

The petitioner challenges Ext.P1 order, by which the 3rd respondent Additional District Magistrate has overruled his objection and directed drawing of the electricity line, to give power connection to the 5th respondent. The objection of the petitioner raised before the A.D.M is that the 5th respondent does not have any right over the pathway through which the line is sought to be drawn. It belongs to him. Further, it is submitted that if the line is drawn through the pathway, it will result in cutting and removing some of the trees standing in his property. Therefore, the petitioner prays for quashing Ext.P1. He has suggested certain alternative routes also.

2. The learned standing counsel for the K.S.E.B handed over a sketch submitted by the Assistant Engineer, Electrical Section, Kottiyam. Going by the sketch, it can be seen that there is a post at A. From A to B, it is drawn through a pathway and thereafter from B to C also it is drawn through a pathway. From C the connection is directly given to the beneficiary's building. Since the line is drawn through a pathway, minimum

inconvenience is caused to the petitioner and others. Even assuming the pathway is a private property belonging to the petitioner, still the A.D.M is competent to order drawing of the line through the same. If any tree growth is to be cut and removed while the line is drawn through the pathway, the petitioner can claim compensation for the same. As long as the line is drawn through a pathway, it can be safely presumed that no serious prejudice is caused to the petitioner and others.

In the result, the writ petition fails and it is dismissed.

9th March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/